HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 23262 of 2007

Dated: 02-11-2007

Between:

Kadiyala Purna Chandra Rao

..... PETIT

AND

The Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Secretariat,
Hyderabad and 2 others.

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HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 23262 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to invalidate the notification dated 27-04-2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') and the consequential proceedings taken in pursuance thereof.

The petitioner claims to be the owner of an extent of Ac.2.96 cents in R.S.No.129/1 and 129/2 of Vempadu village. The grievance of the petitioner is that respondent Nos.2 and 3 are seeking to acquire the said land, which is used for agricultural purpose under the impugned notification, without proper opportunity of being heard in the enquiry envisaged under Section 5-A of the Act.

Heard Sri V.Kishore, learned counsel for the petitioner and the learned Assistant Government Pleader for respondents.

Learned counsel for the petitioner submitted that though Form-3 notice was issued proposing to hold enquiry under Section 5-A of the Act, the petitioner was not personally heard. He further submitted that if the respondents gave an opportunity of personal hearing to the petitioner that would satisfy his requirement for the present.

Learned Assistant Government Pleader says that if Section 6 declaration is not already made, the respondents may be directed to give an opportunity of personal hearing to the petitioner.

In the light of the respective submissions of the learned counsel, the writ petition is disposed of with the following terms:

(1) If declaration under Section 6 is not published so far, the respondents shall give an opportunity of personal hearing to the petitioner. After disposing of the objections it shall be open to the respondents to take further steps depending upon the out come of consideration of the objections.

(2) If a declaration under Section 6 of the Act is already published, it shall be open to the petitioner to approach this Court seeking

appropriate relief by way of a fresh writ petition and

(3) till the completion of the process as indicated in (1) supra, the petitioner shall not be dispossessed from the lands in dispute.

No costs.

C.V.NAGARJUNA REDDY,J

Date: 02-11-2007
KLP